

REMARKS

Claims 1 and 16 are amended. Applicant respectfully submits that no new matter is added by way of amendment. Claims 1-11, 14-26, 30-40 and 44-45 are pending in this application.

In the Restriction Requirement mailed October 30, 2008, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-11 and 14-26, drawn to a lead with an insulated electrode, classified in class 607, subclass 121.
- II. Claims 30-40, 44 and 45, drawn to a lead having a partially uncoated electrode, classified in class 607, subclass 120.

Applicants elect, with traverse, the claims of Group II (claims 30-40, 44 and 45). Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks presented herein, is respectfully requested.

Applicants respectfully submit that claims 1 and 16 have been amended to recite the phrase "an uncoated region." Applicants respectfully submit that claims 1-11 and 14-26 now belong to restriction Group II, directed to a lead having a partially uncoated electrode. Thus, the pending claims to be further prosecuted are claims 1-11, 14-26, 30-40 and 44-45.

Additionally, the restriction requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions.

M.P.E.P. § 803. As the application has already been examined, Applicants respectfully submit that the search and examination of the entire application can be made without serious burden. Moreover, it is submitted that Applicants should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter.

Additionally, Applicants traverse the restriction requirement on the grounds that it would not place an undue burden on the Examiner to search the subject matter of the claims of Group I

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/675,920

Filing Date: September 30, 2003

Title: DRUG-ELUTING ELECTRODE

Page 9

Dkt: 279-640US1

(claims 1-11 and 14-26) and Group II (claims 330-40, 44 and 45) as a search directed to one Group would likely yield results applicable to other groups. Therefore, Applicants request reconsideration and withdrawal of the restriction requirement.

Thus, the Restriction Requirement has been properly traversed. Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested. Applicant reserves the right to later file divisional applications claiming the subject matter of any Group not rejoined within the present application.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6905 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6905

Date Dec. 4th, 2008 By Monique M. Perdok Shonka
Monique M. Perdok Shonka
Reg. No. 42,989

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of November, 2008.

Nicole Jaan 
Name Signature